

Message Text

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PAGE 01 STATE 151766
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CSAF(JACI)

CHNAVPER

NAV JAG WASHDC

CINCPAC

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CINCPACAF HICKAM

COMUSNAVPHIL SUBIC

13AF CLARK

NAVLEGSVCOFF SUBIC

3CSG CLARK

CONFIDENTIAL STATE 151766

E.O. 11652: GDS

TAGS: MILI, PGOV, RP

SUBJECT: OFFICIAL DUTY CASES

REF: MANILA 9197

1. THIS IS IN RESPONSE TO SECRETARY MACARAIG'S QUESTION

CONFIDENTIAL

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PAGE 02 STATE 151766

(PARAS 4 AND 10 REFTEL) CONCERNING COLLECTION OF PHILIPPINE CIVIL JUDGMENTS FOR MONEY DAMAGES WHEN THE RESPONDENT HAS RETURNED TO THE UNITED STATES. THE FILIPINO PLAINTIFF WHO OBTAINS A MONEY JUDGMENT IN A COURT OF THE PHILIPPINES AGAINST A MEMBER OF THE U.S. FORCES OR CIVILIAN COMPONENT WOULD BE LEFT TO THE SAME DEVICES FOR COLLECTION OF THE JUDGMENT AS IF THE RESPONDENT WERE NOT COVERED BY THE

MILITARY BASES AGREEMENT. IF THE RESPONDENT RETURNS TO THE UNITED STATES THE RULES FOR ENFORCEMENT OF THE JUDGMENT WOULD DEPEND UPON THE JURISDICTION IN WHICH THE RESPONDENT IS LOCATED, BUT AT A MINIMUM WOULD REQUIRE RECOGNITION OF THE FOREIGN JUDGMENT BY A COURT OF COMPETENT JURISDICTION IN THE U.S. IT IS NOT POSSIBLE FOR THE DEPT. TO SUMMARIZE THE RULES CONCERNING RECOGNITION OF FOREIGN JUDGMENTS OF ALL 50 U.S. JURISDICTIONS, NOR TO ANTICIPATE THE LIKELY OUTCOME OF ANY PARTICULAR CASE.

2. THERE WOULD IN ANY EVENT BE NO USG OBLIGATION EITHER TO ENFORCE OR ASSIST IN ENFORCEMENT OF JUDGMENTS OF PHILIPPINE COURTS. NOR IS THERE A CLAIMS STATUTE UNDER WHICH THE USG WOULD HAVE THE AUTHORITY TO MAKE PAYMENTS IN SATISFACTION OF A PHILIPPINE JUDGMENT. APPROPRIATE ADMINISTRATION OF EX GRATIA REMEDIES UNDER THE FOREIGN CLAIMS ACT SHOULD, HOWEVER, PRECLUDE IN MANY CASES ANY HARDSHIP ASSOCIATED WITH ABOVE SITUATION. ALTHOUGH FOREIGN JUDGMENTS ARE NOT BINDING ON U.S. MILITARY FOREIGN CLAIMS COMMISSION THEY WOULD CERTAINLY BE SERIOUSLY CONSIDERED IN THE COMMISSION'S INDEPENDENT DETERMINATION OF AWARD. CHRISTOPHER

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